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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,501	12/02/2004	Mitsuteru Kataoka	2004 1922A	5131
513 7590 12/10/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER HONG, HYUNJ	
			ART UNIT 2426	PAPER NUMBER
			MAIL DATE 12/10/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/516,501

**Applicant(s)**

KATAOKA, MITSUTERU

**Examiner**

Hyun J. Hong

**Art Unit**

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 11/17/08.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

**Regarding claim 1**, applicant argues that Hellhake does not disclose sending out a control content, which implements the user interface, as a part or a whole of the content. Examiner respectfully disagrees. Hellhake discloses that core program data is broadcast to a CPE (col. 4 lines 11-19, col. 5 lines 26-65). "Data files contain still frame images and software for **controlling** the selection of new files broadcast" (col. 4 lines 39-40). The core program data/data files are used by the CPE to implement a user interface/browser and display as a part or a whole of the content (The user interface that is displayed represents part of the content that is displayed by the user).

**Regarding claim 5**, applicant argues that Markandey does not disclose sending out a public key of the electronic signature in the service attribute information. Examiner respectfully disagrees. Markandey teaches that digital signature and key values are multiplexed into a data transmission stream (col. 3 lines 64-67). The receiver then decrypts and demultiplexes this data. Using the broadest reasonable interpretation, the digital signature and key values can be considered to form part of the service attribute information. Therefore, the limitations of the claim are met by the Markandey reference.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-11, 14-16, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hellhake (US 5,877,755).

**Regarding claim 1**, Hellhake discloses A non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user (col. 4 lines 26-51) and providing a user interface unique to each of the services (figs. 6-8), the system comprising:

transmission means (broadcast video channel) for sending out a control content (data in the form of files), which implements the user interface (col. 4, line 52), as a part or whole of the content (col. 4 lines 27-35); and

reception means (core program) for receiving the sent control content and activating the received control content (data) to execute the user interface (col. 4 line 52, col. 4 lines 36-51),

wherein the user interface is transmitted/received as a content (col. 4 lines 36-51).

**Regarding claim 2**, Hellhake discloses The non-storage type broadcasting system according to claim 1, wherein the control content (*data includes software that*

*allows the user to browse through the available content by selecting items from a menu as shown in Fig. 7* is a browser for the content (fig. 7, col. 6 lines 18-29).

**Regarding claim 3**, Hellhake discloses The non-storage type broadcasting system according to claim 1, wherein the transmission means includes:

content sending means for sending out a content containing the control content (col. 6 lines 4-17) ; and

service attribute information sending means for sending out service attribute information indicating details of the services ("file ID", fig. 6), and

wherein the reception means includes control content identification means for identifying the control content from among received contents (*the core program can determine from the file names with the aid of the software in the data*) based on the received contents and the service attribute information (col. 6 lines 4-17).

**Regarding claim 4**, Hellhake discloses The non-storage type broadcasting system according to claim 3,

wherein the content sending means includes content header addition means for adding, to the content, a content header ("Header ID") which defines details of the content, and

wherein the reception means identifies the control content from among the received contents based on content headers of the received contents (col. 4 lines 36-40) .

**Regarding claim 7**, Hellhake discloses The non-storage type broadcasting system according to claim 3,

wherein the content sending means further includes content ID space management means for sending out information which defines a partial space of an ID space of the content (fig. 7 *There are 7 selectable items which can be ID space and this space can be further defined when one of the items is selected*), and

wherein the reception means further includes identification means for identifying the control content based on whether a content ID falls within the partial space (fig. 7).

**Regarding claim 8**, see the rejection of claim 1.

**Regarding claim 9**, see the rejection of claim 2.

**Regarding claim 10**, see the rejection of claim 3.

**Regarding claim 11**, see the rejection of claim 4.

**Regarding claim 14**, see the rejection of claim 7.

**Regarding claim 15**, Hellhake discloses A reception device for use in a non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user and providing a user interface unique to each of the services, the reception device receiving a control content which implements the user interface, the control content being transmitted as a part or whole of the content and having added thereto service attribute information indicating details of the services, the reception device comprising (see claim 1):

reception means (CPE(14)) for receiving contents transmitted from a transmitter (col. 4 lines 20-51);

extraction means (CPE(14)) for demodulating the received contents and extracting the contents and the service attribute information (col. 4 lines 20-51, figs. 6-8) ; and

control content identification means for identifying the control content from among the received contents based on the extracted contents and the service attribute information (col. 4 lines 20-51, figs. 6-8).

**Regarding claim 16**, Hellhake discloses The reception device according to claim 15,

wherein in the non-storage type broadcasting system, the content is transmitted after being further added with a content header which defines details of the content (col. 4 lines 36-40),

wherein the extraction means further extracts the content header from the received contents (col. 5 lines 36-40), and

wherein the control content identification means identifies the control content from among the received contents based on the extracted content header (col. 4 lines 20-51).

**Regarding claim 19**, see the rejection of claim 7.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 12-13, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake in view of Markandey (US 6,526,144).

**Regarding claim 5**, Hellhake discloses the non-storage type broadcasting system according to claim 3.

However, Hellhake does not disclose the transmission means further includes electronic signature means for applying an electronic signature to the control content, wherein the service attribute information sending means sends out a public key of the electronic signature in the service attribute information, wherein the reception means further includes signature authentication means for authenticating the electronic signature with the public key contained in received service attribute information, and wherein the control content is identified by authenticating the electronic signature.

In analogous art, Markandey discloses the transmission means further includes electronic signature means ("Secure Hash Algorithm and Digital Signature Standard") for applying an electronic signature to the control content (col. 4 lines 44- col. 5 lines 8),

wherein the service attribute information sending means sends out a public key (transmitter public key) of the electronic signature in the service attribute information (col. 4 lines 44- col. 5 lines 8) ,



wherein the reception means further includes signature authentication means for authenticating the electronic signature with the public key contained in received service attribute information (col. 4 lines 44- col. 5 lines 8), and

wherein the control content is identified by authenticating the electronic signature (col. 4 lines 44- col. 5 lines 8).

It would have been obvious to combine the signature means of Markandey into the broadcasting system of Hellhake. This would improve the broadcasting system by increasing security and increasing revenues by having all users pay for the available services.

**Regarding claim 6**, Hellhake in view of Markandey discloses The non-storage type broadcasting system according to claim 5, wherein the authentication by the electronic signature is performed using a key independent of each service (col. 5 lines 9-14).

**Regarding claim 12**, see the rejection of claim 5.

**Regarding claim 13**, see the rejection of claim 6.

**Regarding claim 17**, see the rejection of claim 5.

**Regarding claim 18**, see the rejection of claim 6.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun J. Hong whose telephone number is (571)270-1553. The examiner can normally be reached on M-F (9:30a-7:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. J. H./  
Examiner, Art Unit 2426

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2426